

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MARVIN GLEN BOND, JR.,

Plaintiff,

v.

Civil Action No. 3:22CV720 (RCY)

MAJOR HURLOCK,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on February 7, 2023, the Court conditionally docketed the action and directed Plaintiff to complete and return certain forms. On February 16, 2023, the United States Postal Service returned the February 7, 2023 Memorandum Order to the Court marked, “RTS” and “Released.” (ECF No. 6, at 1.) However, the inmate account form received from the institution noted that Plaintiff was “Released to: Maryland Correctional Training Center, Hagerstown, Md.” (ECF No. 7, at 1.) Accordingly, by Memorandum Order entered on March 31, 2023, the Court directed the Clerk to update Plaintiff’s address per ECF No. 7, at 1. (ECF No. 8.) At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a

failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.



/s/ 
Roderick C. Young
United States District Judge

Date: May 8, 2023
Richmond, Virginia